

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 5, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m.

Council Member Peters wished to welcome and introduce Ms. Mary Synold and her fifth grade class from Sunset Hills Elementary School. Council Member Peters expressed that the class followed the City Council race very closely, not more than six months ago, and had invited him to come out to speak to their class. The class had reported that Council Member Peters won overwhelmingly in the class vote which meant a lot to him. Council Member Peters gave the class a tour of the Council candy room in the back of Chambers stating that is the envy of every elementary school. Lastly, Council Member Peters expressed that they have candies and sodas in the candy room which the class got to see, however, he stated he did not give any out.

The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with all Council Members present and District 6 vacant. Mayor Murphy recessed the meeting at 3:21 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 4:27 p.m. with Deputy Mayor Stevens not present and District 6 vacant. Mayor Murphy recessed the meeting at 4:28 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:37 p.m. with Deputy Mayor Stevens not present and District 6 vacant. Mayor Murphy adjourned the meeting at 5:58 p.m. into the Budget Review Committee Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present

(5) Council Member Maienschein-present

(6) District 6-vacant

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Fishkin (pr/ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) District 6-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-30: St. Spyridon Greek Orthodox Church and Greek Festival Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1544) ADOPTED AS RESOLUTION R-294953

Recognizing the outstanding contributions of St. Spyridon Greek Orthodox Church to serve the Greek Orthodox community in San Diego and preserve the

rich culture and heritage of this community by presenting the Greek Festival for the past 32 years;

Proclaiming June 9, 2001 to be "St. Spyridon Greek Orthodox Church and Greek Festival Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A024-078.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

ITEM-31: Recognizing Members of the Juveniles and Justice Team.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1585) ADOPTED AS RESOLUTION R-294949

Recognizing the work of the Juveniles and Justice team, including members of the City Attorney and Police Department staffs, for their work in developing this partnership to benefit the young people of San Diego;

Recognizing Vien Tran as San Diego Police Chief for the Day for his outstanding efforts in service as a witness in the case of People v. Goldie Locke, and for writing an exceptional essay;

Recognizing Tyrone Travis as San Diego City Attorney for the Day for his outstanding efforts in serving as defense attorney in the case of People v. Goldie Locke, and for writing an exceptional essay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A079-157.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Jim Varnadore regarding the “Hollywood Palms Report” and the
City Heights Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A170-200.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding filming hummingbirds and their babies
nesting on his back porch.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A201-230.)

PUBLIC COMMENT-3:

Comment by Bob Spellman regarding the De Anza community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A231-251.)

PUBLIC COMMENT-4:

Comment by Phil Hart regarding the budget, and stating that needs should be first,
and desires second.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A252-302.)

PUBLIC COMMENT-5:

Comment by Tina Irving regarding “Sharp Professional Nurses Network” and their collective bargaining unit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A304-345.)

PUBLIC COMMENT-6:

Comment by Hernardo Jimenez regarding the Access Center of San Diego, and his request for reconsideration of the CDBG Grant money allotted them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A367-382.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Atkins regarding a fire in the 2400 block of 6th Avenue in District 3 last week. Council Member Atkins wished to give special recognition and accommodations to two San Diego Police Officers who responded first on the scene, as well as the great work of the San Diego Fire Fighters. Council Member Atkins introduced Officer Edward Murphy, and Officer Errol McCray, stating they are true heros. As they were doing their duties around Balboa Park, they saw the smoke and rushed into the building to help residents, and to get the fire hose out starting to get right to work before the fire fighters arrived on the scene. Council Member Atkins stated the fire could have been much more devastating if it hadn't been for their heroic efforts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A384-474.)

ITEM-50: Ethics Commission.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2001. (Council voted 8-0. District 6 vacant.):

(O-2001-129 Cor. Copy) ADOPTED AS ORDINANCE O-18945 (New Series)

Amending Chapter II, Article 6 of the San Diego Municipal Code by adding Division 4, titled "Ethics Commission," and by adding Sections 26.0401 to 26.0415, all relating to the City of San Diego Ethics Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B012-014.)

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: City Administration Building Fire Protection and Life Safety Improvement Project.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2001. (Council voted 5-3. Councilmembers Stevens, Madaffer and Inzunza voted nay. District 6 vacant.):

(O-2001-138) ADOPTED AS ORDINANCE O-18946 (New Series)

Amending Chapter V of the San Diego Municipal Code by amending Article 5, Division 10, Section 55.1003.2.11.8, pertaining to Fire Protection and Prevention, to extend the required compliance date for sprinkler retrofits to January 1, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B040-183.)

MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-nay, Inzunza-nay, Mayor Murphy-yea.

* ITEM-52: Office Space Lease Amendment - Coamerica Bank Building - 600 B Street.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2001. (Council voted 8-0. District 6 vacant.):

(O-2001-145) ADOPTED AS ORDINANCE O-18947 (New Series)

Authorizing the City Manager to execute a Fourth Amendment to Office Lease with 400 West Broadway, LLC, for office space occupied by City departments and the City's child care facility at the Coamerica Bank Building, for lease of approximately 157,314 square feet, for a total monthly rental rate of \$234,513.30, for a term of approximately 10 years;

Authorizing the Auditor and Comptroller to expend an amount not to exceed \$5,600 from Development Services Fund No. 41300, Department 1300, for rent from the FY 2001 budget;

Authorizing the Auditor and Comptroller to expend an amount not to exceed \$271,150 for space costs and data infrastructure costs from General Fund No. 100, Department 601, for rent from the FY 2001 budget.

Aud. Cert. 2101169.

NOTE: Six votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-400 West Broadway, LLC

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-53: An Ordinance Amending Chapter III, Article 3, by Repealing Division 40 Relating to Licensing and Regulating Towing Companies.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-107) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 19, 2001

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by repealing Division 40 and Sections 33.4000, 33.4001, 33.4002, 33.4003, 33.4004, 33.4005, 33.4006, 33.4008, 33.4009, 33.4010, and 33.4011, all pertaining to Licensing and Regulating Towing Companies.

SUPPORTING INFORMATION:

Currently Chapter III, Article 3, Division 40, of the San Diego Municipal Code is a comprehensive licensing and regulatory scheme governing business enterprises engaged in the practice of towing and removing motor vehicles that have been parked on private property without permission of the private property's owner; and The United States Court of Appeals for

the Ninth Circuit recently struck down a similar licensing and regulatory scheme in the City of Santa Ana, California, because the Court found the Santa Ana law was preempted by Federal Legislation (Tocher v. Santa Ana, 219 F.3d 1040 (9th Cir. 2000)). In the City Attorney's opinion, this City's laws contain the same types of provisions that were held to be preempted in Santa Ana (see City Attorney Report to Mayor and Council No. 14). In the City Attorney's opinion, San Diego's laws licensing and regulating towing companies located in Chapter III, Article 3, Division 40, of the Municipal Code are unenforceable in light of the Tocher holding; and, the City Attorney recommends that current City laws governing towing companies be removed from the Municipal Code so that the public is not misled into believing that the police regulate and license towing companies.

Uberuaga/Gwinn/SMT

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B280-401.)

MOTION BY STEVENS TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-54: Two actions related to Amending San Diego Gas and Electric Company Franchise Agreements to Extend the Negotiation Period.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances in Subitems A and B:

NOTE: 6 votes required.

Subitem-A: (O-2001-151) INTRODUCED, TO BE ADOPTED ON
TUESDAY, JUNE 19, 2001

Introduction of an Ordinance amending Section 4(c) of the Franchise for the transmission and distribution of natural gas (Ordinance No. O-10465) to the citizens of the City to read as follows:

Section 4. CONSIDERATION

(c) Determination of the amount to be paid as set forth in Section 4(b) above shall be made by good faith negotiation between City and Grantee commencing not less than six (6) months prior to the expiration of the first thirty (30) year period. In the event that at the conclusion of the first thirty (30) year period said good faith negotiation does not result in a determination of the amount to be paid by Grantee during the last twenty (20) years (or 19 years, as the case may be) of the term of this franchise, then this question (and no other) shall be submitted to binding arbitration as hereinafter set forth; provided however that no later than fifteen (15) days prior to the end of the first thirty (30) year period the parties may mutually agree to extend the time for said good faith negotiation for an additional year if they so desire, during which time Grantee shall continue to pay a sum equal to three percent (3%) of Grantee's gross receipts as consideration for the rights and privileges herein granted. Unless City and Grantee mutually agree in writing to a modification prior to the conclusion of the first thirty (30) year period (or at the conclusion of the additional year as provided for above) then the determination of the number of arbitrators, the time and mode of their selection, and the rules of practice and procedure to be followed shall be as set forth herein.

Subitem-B: (O-2001-152) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 19, 2001

Introduction of an Ordinance amending Section 4(c) of the Franchise for the transmission and distribution of electricity (Ordinance No. O-10466) to the citizens of the City to read as follows:

Section 4. CONSIDERATION

(c) Determination of the amount to be paid as set forth in Section 4(b) above shall be made by good faith negotiation between City and Grantee commencing not less than six (6) months prior to the expiration of the first thirty (30) year period. In the event that at the conclusion of the first thirty (30) year period said good faith negotiation does not result in a determination of the amount to be paid by Grantee during the last twenty (20) years (or 19 years, as the case may be) of the term of this franchise, then this question (and no other) shall be submitted to binding arbitration as hereinafter set forth; provided however that no

later than fifteen (15) days prior to the end of the first thirty (30) year period the parties may mutually agree to extend the time for said good faith negotiation for an additional year if they so desire, during which time Grantee shall continue to pay a sum equal to three percent (3%) of Grantee's gross receipts as consideration for the rights and privileges herein granted. Unless City and Grantee mutually agree in writing to a modification prior to the conclusion of the first thirty (30) year period (or at the conclusion of the additional year as provided for above) then the determination of the number of arbitrators, the time and mode of their selection, and the rules of practice and procedure to be followed shall be as set forth herein.

CITY MANAGER SUPPORTING INFORMATION:

Fifty-year franchise agreements for the gas and electric utilities within the City of San Diego include a provision for renegotiation of the franchise fee in the thirtieth year. It also specifies that the negotiation is to be for a six month period starting July 2000 and ending January 2001. The agreement provides for a six month extension if agreement is not reached. The City and San Diego Gas and Electric agreed to an extension through July 17, 2001. Negotiations have been progressing. However, preparation of necessary documentation and full development of an undergrounding program for City Council consideration will take time. The amendments would extend the negotiating period through January 2002 allowing for conclusion of discussions, development of an undergrounding program, preparation of revised franchise agreements and public hearings.

FISCAL IMPACT:

San Diego Gas and Electric will continue to pay the City 3% of gas and electric revenues.

Loveland

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Tape location: B403-519.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCES. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Three actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 3.

(Black Mountain Ranch Subarea Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1599) ADOPTED AS RESOLUTION R-294954

Authorizing a Subdivision Improvement Agreement with Santaluz, LLC, for the installation and completion of public improvements.

Subitem-B: (R-2001-1598) ADOPTED AS RESOLUTION R-294955

Approving the final map.

Subitem-C: (R-2001-1600) ADOPTED AS RESOLUTION R-294956

Authorizing a Landscape Maintenance Agreement with Santaluz, LLC, to assure maintenance of landscaping.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 160.528 acre site into 95 lots for residential development, plus 27 lots for easements and private driveways. It is located northerly of Del Mar Heights Road westerly of Black Mountain Road in the Black Mountain Ranch Subarea I Community Plan area. On October 31, 1995 the Council of the City of San Diego approved City Council Resolution No. R-286502 for Black Mountain Ranch TM- 95-0173. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements and landscaping required for this subdivision are shown in detail on Drawing Numbers 30449-1-D through 30449-32-D and 30931-1-D through 30931-46-D respectively, filed in the Office of the City Clerk on April 6, 2001 under Micro Numbers 140.89 and 140.90. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$2,988,745 and the cost of the landscaping and irrigation is \$1,123,122. Performance Bonds in those amounts have been provided as surety. A cash bond in the amount of \$80,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

As a condition of TM-95-0173, subdivider is entering into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. This subdivision is located in the Black Mountain Ranch Public Facilities

Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance. This project is estimated to generate 950 daily trips (ADT). 200 of these trips are estimated to occur on Interstate 5, which has an estimated near-term volume of 254,377 ADT. Caltrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56. The proposed Black Mountain Ranch is required to contribute \$8.0 million for the widening of State Route 56 from 4 to 6 lanes, and \$6.1 million for the widening of Interstate 15 by an additional 4 lanes.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A, B and C: SUBD-Black Mountain Ranch Unit No. 3. (40)

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Citizen Volunteers Reduce Pedestrian Fatalities Grant from the California Office of Traffic Safety.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1584) ADOPTED AS RESOLUTION R-294957

Authorizing the Chief of Police to accept and administer funds for the Citizen Volunteers Reduce Pedestrian Fatalities Program, and that the authorization shall include all aspects of grant acceptance, operation, expenditures, and certification that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the Chief of Police to execute amendments, extensions, renewals, or future funding for the program for a period of up to five years, provided funding is made available by the State of California;

Declaring that any liability arising out of performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego. The State of California and the California Office of Traffic Safety disclaim responsibility for any such liability;

Authorizing the City to provide the required matching resources and ongoing cost of operation under the program and funding terms and conditions of the State of California and the Office of Traffic Safety.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department has developed a proposal to utilize civilian volunteers in an effort to reduce the number of pedestrian/vehicle collisions, particularly fatal incidents, as well as to promote general traffic safety. In 1999, 36 pedestrians were killed by vehicles. Thirteen of these were over 55 years of age. This program will train Retired Senior Volunteers, and possibly other volunteers as the need and opportunity occur, to present safety talks to senior community members. Volunteers will also assist officers with speed surveys, and identifying roads and intersections where speeding is a problem and pedestrians are in particular jeopardy. The goal of the program is to reduce the number of fatal pedestrian collisions by 20% from the base year of 1999. Project success will be evaluated on fatality reductions, as well as presentations, speed checks, road/intersection improvements, and other specific goals and objectives.

FISCAL IMPACT:

The California Office of Traffic Safety will provide approximately \$189,912 for salary and benefits of one Community Relations Officer (CRO - a Police Officer II) at 100% in FY1, and 50% in FY2; plus miscellaneous supplies, equipment and mandatory travel.

In FY1, the Police Department will contribute \$48,500 for the operation and maintenance of four RSVP vehicles; plus in-kind (existing) resources of supervision (\$22,000) and clerical support (\$10,000). Total FY1 City contribution is \$80,500.

In FY2, the Police Department will contribute 50% of the CRO salary and benefits (\$48,772) and \$48,500 for the operation and maintenance of four RSVP vehicles; plus in-kind (existing) resources of supervision (\$22,000) and clerical support (\$10,000). Total FY2 City contribution is \$129,272.

Total City contribution over the 24 month life of the grant is \$145,772, plus in-kind (existing) resources of \$64,000. As with all grants approved by the Police Department administration, the Police Department can and will absorb the required match.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: State Appropriation Funding for DNA Crime Lab Equipment and Support of Less Lethal Force.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1583) ADOPTED AS RESOLUTION R-294958

Authorizing the Chief of Police, for and on behalf of the City of San Diego, to apply for, accept, manage and expend State appropriated funds, including any extensions or amendments, for augmenting DNA Crime Lab Equipment and supporting less lethal uses of force;

Declaring that such authorization shall include all aspects of fund acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this appropriation;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this appropriation for a period of up to five years, provided funding is made available by the State of California;

Declaring that the funds and/or resources received shall not be used to supplant expenditures controlled by this body, and that personnel positions funded, if any, are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

At the instigation of Assembly Member Susan Davis, the California State Budget Act of 2000 (Chapter 52, Statutes of 2000) appropriated \$240,000 to the San Diego Police Department for the purposes of augmenting the DNA Crime Lab equipment and supporting less lethal uses of force. Other than the two purpose areas, there are no restrictions as to how the funds will be spent. Other than two form pages, there were no application materials required. There is no requirement for a program description, a narrative, a budget, goals, objectives, or programmatic progress reports. Given this degree of flexibility, it is the intent of the San Diego Police Department to allocate these funds on an ongoing basis as needs, equipment and resources are identified. Chief Bejarano has sent a letter of appreciation to Assembly Member Davis.

FISCAL IMPACT:

There is no requirement for matching funds. There is no requirement for any specific outcome, service or product. There is no requirement to continue funding the purpose areas after the appropriated funds are exhausted.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Traffic Signal Timing at 33 Intersections.

(Clairemont Mesa and Linda Vista Community Areas. Districts-5 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1528) ADOPTED AS RESOLUTION R-294959

Authorizing the City Manager to accept Program Supplement No. 156-M to Local Agency-State Agreement No. 11-5004 for Federal Aid Project No. CMLG-5004 (117), for the amount of \$25,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38687;

Amending the FY2001 Capital Improvement Program budget by adding the project, CIP-62-317.0, Collect Traffic Data, for Signal Timing at 33 intersections;

Authorizing the appropriation and expenditure of an amount not to exceed \$25,000 from CIP-62-317.0, Fund No. 38687, for funding the preliminary engineering of the project contingent upon receipt of a fully executed Program Supplement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$25,000 of Federal Congestion Mitigation and Air Quality (CMAQ) funds to collect traffic data necessary for retiming 33 traffic signals on Clairemont Mesa Boulevard and Linda Vista Road. The traffic signals will be retimed for optimum traffic flow and reduced emissions, fuel consumption, and delay. Retiming will be done by budgeted City staff.

FISCAL IMPACT:

The cost of traffic data collection for this project is \$25,000, which is reimbursable by a Federal Congestion Mitigation and Air Quality (CMAQ) grant.

Loveland/Gonzalez/AH

Aud. Cert. 2101131.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Two actions related to Kumeyaay Lake Camping Facilities.

(Mission Trails Park. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1586) ADOPTED AS RESOLUTION R-294960

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$55,000 from Fund No. 100, Dept. 446, Org. 2552, Kumeyaay Lake Park Maintenance to CIP-29-751.0, Kumeyaay Lake Camping Facilities;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$55,000 from CIP-29-751.0, Kumeyaay Lake Camping Facilities, Fund No. 100, for the design, construction management, and other construction related expenses necessary to close out the Kumeyaay Lake Camping Facilities Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2001-1658) ADOPTED AS RESOLUTION R-294961

Declaring that the information contained in the final document, Environmental Impact Report EIR-91-0737, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline 15162 would warrant any additional environmental review in connection with the approval of the request for additional funding to pay for the final costs associated with the Project;

Stating for the record, that the final Environmental Impact Report has been reviewed and considered prior to approving the project and that the City Clerk is directed to file a Notice of Determination with the Clerk of the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The project is located between Kumeyaay Lake and Father Junipero Serra Trail in the Mission Trails Regional Park. Construction of the campground has been completed and includes 49 campsites with two restroom/shower facilities, an entrance station, a dump station, and parking lots with accommodations for 62 passenger cars and 10 recreational vehicles. Due to unforeseen issues encountered during construction of the campground, such as weather related delays, and environmental constraints with least tern nesting moratoriums, the construction of the campground extended over a period of three years. Therefore, this request is to cover the essential design and construction management, and other construction related expenses necessary to close out the project.

FISCAL IMPACT:

The estimated total project cost is \$2,586,214 of which \$2,531,214 has been previously authorized. The additional \$55,000 is available from CIP-29-751.0, Fund No. 100.

Loveland/Belock/AO

Aud. Cert. 2101154.

FILE LOCATION: Suitems A and B: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Jim Stewart Day (Roger Revelle Honoree).

COUNCILMEMBERS PETERS’S, WEAR’S AND ATKINS’S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1595) AS RESOLUTION R-294962

Proclaiming June 9, 2001 as “Jim Stewart Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: World Wings International, Incorporated, San Diego Chapter Day.

COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1564) ADOPTED AS RESOLUTION R-294963

Commending the World Wings International, Incorporated, San Diego Chapter for its outstanding service and commitment to the citizens of San Diego, and in honor of its significant contributions;

Proclaiming Saturday, June 9, 2001 to be "World Wings International, Incorporated, San Diego Chapter Day" in San Diego.

SUPPORTING INFORMATION:

Celebrating the 25th Anniversary of the World Wings International Incorporated - San Diego Chapter Day on June 9, 2001. The San Diego Chapter of World Wings International, Incorporated has been involved with working with the community by promoting friendship of its members and working in civic, charitable, welfare and cultural activities.

Balolong

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B019-036.)

MOTION BY TO MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: One Way Operation on Pueblo Street.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1550) ADOPTED AS RESOLUTION R-294964

Converting Pueblo Street to one-way eastbound operation between Crosby Street and Ocean View Boulevard;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action converts Pueblo Street to one-way eastbound operation between Crosby Street and Ocean View Boulevard. Council approval is required according to Municipal Code Section 82.19. A petition signed by 6 of 8 affected properties (representing 84% of the abutting property) was submitted supporting this action. The Southeastern San Diego Development Committee supports this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's, operating fund for this purpose.

Loveland/Gonzalez/Holden

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-108: Contribution Agreement for Auxiliary Lane on Interstate 15.

(Serra Mesa and Tierrasanta Community Areas. Districts-6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1567) ADOPTED AS RESOLUTION R-294965

Authorizing the City Auditor and Comptroller to:

Add CIP-52-705.0, I-15 Auxiliary Lane - Aero Drive to Friars Road - to the FY 2001 Capital Improvements Program Budget;

Appropriate and expend \$550,000 from Fund No. 63022, Private and Other Contributions, Job Order No. 287760 to CIP-52-705.0 - I-15 Auxiliary Lane - Aero Drive to Friars Road;

Appropriate and expend \$58,000 from Fund No. 63022, Fund Balance, to CIP-52-705.0, I-15 Auxiliary Lane - Aero Drive to Friars Road;

Authorizing the City Manager to enter into a Contribution Agreement with Caltrans, for the construction of an auxiliary lane on Interstate 15 between Aero Drive and Friars Road.

CITY MANAGER SUPPORTING INFORMATION:

Because of increasing commercial and residential development, traffic on the section of Interstate 15 between Aero Drive and Interstate 8 has increased appreciably. These increases in volumes have intensified the traffic "weaving" at the on-ramp from Murphy Canyon Road and the off-ramps to Friars Road and Interstate 8. This weaving affects the flow of traffic on this section of Interstate 15, particularly in the rightmost lane.

Caltrans has indicated its intention to add a new auxiliary lane to southbound Interstate 15 between Aero Drive and Friars Road. The addition of this lane will help relieve the weaving problem, and will free up traffic flow for through traffic on the main lanes of Interstate 15. The City has been collecting development impact fees from development in the Serra Mesa (Murphy Canyon) and Kearny Mesa communities. Originally, these funds were earmarked for construction of a new freeway interchange on Interstate 15 at Stonecrest Drive. Because of the change of scope of the Stonecrest development, this interchange is no longer required. Instead, these funds will be applied as the City's portion of the cost of the auxiliary lane.

These resolutions will appropriate and authorize the expenditure of \$608,000 from CIP-52-705.0 (I-15 Auxiliary Lane - Aero Drive to Friars Road) for the City's share of the design and construction costs of the auxiliary lane.

FISCAL IMPACT:

\$608,000 from CIP-52-705.0 (I-15 Auxiliary Lane - Aero Drive to Friars Road).

Loveland/Gonzalez/AH
Aud. Cert. 2101165.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B193-218.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Construction of Sewer and Water Group Job 605A - Change Order No. 1.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1539) ADOPTED AS RESOLUTION R-294966

Approving Change Order No. 1, dated February 21, 2001, issued in connection with the contract with Ortiz Corporation;

Authorizing the additional expenditure of an amount not to exceed \$50,964 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for providing funds for City engineering services;

Authorizing the expenditure of an amount not to exceed \$79,640.45 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of executing Construction Change Order No. 1 for the construction of Sewer and Water Group Job 605A;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The 587 feet of cast iron water main located between Lantana Drive and Euclid Avenue, which was not indicated on City as-built drawings, was discovered during the construction of the adjacent sewer main. The water main is believed to have been installed sometime in the 1920's. Due to the deteriorated condition and the age of the water main, it was determined that excavating adjacent to the water main to install the new sewer main would create an unacceptable risk to the safety of construction personnel. Therefore, the decision was made to replace the old cast iron water main.

FISCAL IMPACT:

This action will authorize an additional expenditure of \$130,604.45 for Construction Change Order No. 1 and engineering services. Funding is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2101020.

WWF-01-467.

FILE LOCATION: CONT-Ortiz Corporation; W.O. 174691

COUNCIL ACTION: (Tape location: B220-275.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Reclaimed Water Retrofit of the Marine Corps Air Station (MCAS) Miramar Golf Course.

(See City Manager Report CMR-01-081 and Richard W. Soule's 4/17/2001 letter. Military Facilities. District-5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1554) ADOPTED AS RESOLUTION R-294967

Authorizing the City Manager to execute a Memorandum of Agreement with Marine Corps Community Services for the proposed implementation of the reclaimed water retrofit project;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$954,737 from the Water Fund, Unappropriated Fund Balance to CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, to fund this agreement;

Authorizing the expenditure of an amount not to exceed \$954,737 from Water Revenue Fund No. 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, to fund the proposed reclaimed water retrofit project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/2/2001, NR&C voted 4 to 0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Madaffer and Inzunza voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C010-107.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Golf Fees and Course Improvements at Torrey Pines and Balboa Park Municipal Golf Courses.

(See City Manager Reports CMR-01-090 and CMR-01-067, Proposed Business Plan, PGA Tour Tournament Report, David M. Nagy's 4/18/2001 letter, Ricky McDonald's 4/17/2001 letter, Mitchell Berner's 4/17/2001 letter, Tracy A. Hubly-Starkjohann's 4/13/2001 letter, Brian P. Worthington's 11/30/2000 letter, and Objections to the 5 Year Plan. Torrey Pines and Greater Golden Hills Community Areas. Districts-1 and 3.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1538 Cor. Copy) ADOPTED AS RESOLUTION R-294973

Adopting fee schedules and a Capital Improvements Plan for the municipal golf courses, and directing the City Manager to further evaluate the proposed business plan.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/18/2001, NR&C voted 4 to 0 to recommend the following: (Councilmembers Peters, Wear, Madaffer and Inzunza voted yea.)

- A. Adopt City resident, County resident twilight, non-resident and tournament green fees as described in the Proposed Golf Operations Business Plan, to be effective July 1, 2001: 1) At the Fiscal Year FY2002 level for Balboa Park Golf Course; and 2) at the FY2005 level for Torrey Pines Golf Course.
- B. Accept the Capital Improvement Plan for the golf courses, as described in the Proposed Golf Operations Business Plan, and identify the rebuilding of 38 greens at Torrey Pines Golf Course as the #1 priority.
- C. Not move forward with the proposed 70% residential and 30% non-residential tee time split guarantee at this time and direct the City Manager to return to the Natural Resources and Culture Committee with the following information and a matrix chart of policy options to choose from: 1) Comparison of City resident green fees at Torrey Pines Golf Course with other golf courses; 2) analysis of green fees and lease revenue to the City from all fully or partially City-owned golf courses; and 3) Pricewaterhouse Coopers

independent evaluation of the Proposed Golf Operations Business Plan, especially the proposed fees and revenue, to include but not be limited to the following: a) appropriate multi-year plan for non-resident fees and tournament fees at Torrey Pines Golf Course and effect of those fees on amount of non-resident play; b) effect on the availability of tee times and on revenue of reducing tee times currently used by the Torrey Pines Men's and Women's Golf Clubs and/or amending policies for Club events; c) appropriate revenue from The Lodge at Torrey Pines and the Hilton at Torrey Pines for guaranteed daily tee times, and appropriate policy of return of unused hotel tee times to Golf Operations; d) how to achieve through an open market system, via the fee structure and tee sheet management, 70% usage of Torrey Pines Golf Course by City residents and 30% usage by non-residents; e) identification of appropriate policies for cart payment and cart usage, and potential impact on revenue and speed of play; and f) appropriate tournament policies at Torrey Pines Golf Course.

FILE LOCATION: GEN'L: Fees & Charges-Park and Rec.-Torrey Pines and Balboa Park Municipal Golf Courses

COUNCIL ACTION: (Tape location: C112-211;D007-194.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Acceptance of Energy Efficiency Grant.

(See City Manager Report CMR-01-109. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1605) ADOPTED AS RESOLUTION R-294974

Authorizing the City Manager to execute an agreement with San Diego Gas & Electric obligating the City to implement specified energy efficiency measures at the Community Concourse;

Authorizing the City Manager to accept a grant of \$600,000 from San Diego Gas & Electric to partially offset the cost of implementation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D195-E377.)

Motion By Wear To Continue. Second by Inzunza. Failed. Peters-yea, Wear-nay, Atkins-nay, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Wear-nay, Atkins-nay, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Community Concourse Energy Savings Measures.

(See City Manager Report CMR-01-109. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1604) ADOPTED AS RESOLUTION R-294975

Authorizing the City Manager to execute an amendment not to exceed \$3,196,670, to the Master Energy Services Agreement with Onsite Energy Corporation to perform specified energy efficiency measures at the Community Concourse;

Authorizing the Fiscal Year 2002 payment of \$343,376 from Fund 100, Department 532, and \$600,000 from Fund 10149, to Onsite Energy Corporation contingent on the approval of the Fiscal Year 2002 Budget and the receipt of energy efficiency grant funds.

Aud. Cert. 2200002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D195-E377.)

Motion By Wear To Continue. Second by Inzunza. Failed. Peters-yea, Wear-nay, Atkins-nay, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Wear-nay, Atkins-nay, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Popular Market Sale.

(Centre City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1502) ADOPTED AS RESOLUTION R-294976

Authorizing the City Manager to execute an Agreement for the Acquisition of Real Property between the City and the Redevelopment Agency of the City of San Diego for the sale of the City Property located at the southeast corner of 12th Avenue and Broadway for \$1,100,000;

Authorizing the City Manager to execute a Grant Deed conveying the City Property to the Redevelopment Agency of the City of San Diego;

Authorizing the City Manager to accept \$900,000 from the Redevelopment Agency of the City of San Diego as full compensation for the purchase of the Birch Foundation Property;

Authorizing the City Manager to accept \$1,100,000 from the Redevelopment Agency of the City of San Diego as full compensation for the purchase of the City Property.

CITY MANAGER SUPPORTING INFORMATION:

On December 30, 1999, the Birch Foundation donated the First National Bank Building property, located at 5th Avenue and Broadway, to the City with the proviso that proceeds from the disposition of the property would be used for the library system. On January 5, 2000, the property was subsequently conveyed to the Redevelopment Agency under a Letter of Understanding with CCDC.

The proceeds from the disposition of the property were to be paid to the City for the library system. CCDC has identified a City owned property located at the southeast corner of 12th Avenue and Broadway, currently the location of the Popular Market, as an important element of their Redevelopment Plan for the 21st Avenue Enhancement Project. CCDC has requested that the City sell the property to them. In July 2000, during the Fiscal Year 2001 budget deliberations, the Mayor and City Council directed that the Birch Foundation transaction and the 12th Avenue and Broadway sale be consummated to satisfy the mutual obligations of the City and CCDC through the payment by CCDC to the City of \$900,000 for the Birch Foundation property, and \$1,100,000 for the 12th Avenue and Broadway property. The Fiscal Year 2001 Library Budget reflects an increase of approximately \$2.8 million dollars which is inclusive of funding received from the sale of the First National Bank Building. This action will authorize the sale of the 12th Avenue and Broadway property to CCDC. Staff recommends approval of the sale to the Redevelopment Agency. A fair market value appraisal of the City parcel established the sale price of \$1,100,000.

FISCAL IMPACT:

\$1,100,000 will be deposited into Fund No. 302453.

Herring/Griffith/RAG

FILE LOCATION: DEED F-8069

COUNCIL ACTION: (Tape location: H698-I074.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Sale of City Property - NEC Scripps Poway Parkway/Freeway 15.

(Continued from the meetings of 4/2/2001, Item 201, and 4/30/2001, Item 200:
last continued at the request of the City Manager for further review.)

(Scripps Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1281) RETURNED TO THE CITY MANAGER

Authorizing the sale of 0.5944 acres or 25,892 square feet owned by the City of San Diego to Shea Homes for the amount of \$240,000;

Authorizing the execution of a quitclaim deed, granting to Shea Homes a portion of Section 20, Township 14 South, Range 2 West.

CITY MANAGER SUPPORTING INFORMATION:

The City acquired a surplus parcel through a state relinquishment at the northeast corner of Freeway 15 and Scripps Poway Parkway. The parcel is improved with a paved road which provides access to the open space area to the north. Shea Homes is developing the area to the east of the City parcel, and has filled and sloped the subject to support a level pad necessary to build a hotel. The parcel in question is not independently developable, as is, due to its irregular, elongated shape, and steep slope.

The adjacent Shea Homes development, however, if allowed to incorporate the subject parcel, will raise its value from nominal to \$240,000 by virtue of its contribution to the new development. The City's access road will not be affected by the sale. Shea Homes executed a Right of Entry Permit in May 2000 to allow grading to proceed on the development, and as a term of the Permit, agreed to purchase the portion of City land affected by the grading for \$240,000 cash.

The parcel to be purchased by Shea homes contains 0.5944 acres or 25,892 square feet. The fair market value of the sale parcel is \$240,000, as determined by the City Valuation Staff.

FISCAL IMPACT:

The amount of \$240,000 will be deposited into Capital Outlay Fund 302453.

Herring/Griffith/ACG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A481-484.)

MOTION BY MAIENSCHIN TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW TO RECONCILE ISSUES PRIOR TO COUNCIL CONSIDERATION. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Two actions related to Resolution and Ordinance relating to Year-End Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance in Subitem A and adopt the following resolution in Subitem B:

Subitem-A: (O-2001-148) HEARING HELD

First public hearing in the matter of an Ordinance amending Ordinance No. O-18827 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2000-2001 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal year," by amending Document No. OO-18827 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Document No. OO-18827, as amended and adopted therein, by authorizing certain year-end budget adjustments including making addition appropriations and transfers that may be necessary to balance fund carryovers and expenditures/appropriations for Fiscal Year 2002.

NOTE: This is the first public hearing of the Ordinance in Subitem A. The second public hearing for the introduction and adoption of the Ordinance will be on June 12, 2001.

Subitem-B: (R-2001-1580) ADOPTED AS RESOLUTION R-294977

Adoption of a Resolution authorizing year-end budget adjustments.

FILE LOCATION: Subitem A: NONE
Subitem B: MEET

COUNCIL ACTION: (Tape location: H460-697.)

MOTION BY ATKINS TO APPROVE THE FIRST HEARING HELD IN SUBITEM A AND TO ADOPT THE RESOLUTION IN SUBITEM B APPROVING THE CITY MANAGER'S RECOMMENDATION, WITH DIRECTION THAT THE CITY WIDE PROGRAM EXPENDITURES ON MEDICINE AND PUBLIC HEALTH SCHOLARSHIPS BE REFERRED TO THE BUDGET PROCESS UNDER COMMUNITY AND ECONOMIC DEVELOPMENT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Kretowicz Residence Rear Yard Improvements.

Matter of the appeal by Joanne Pearson for the La Jolla Town Council of the decision by the Planning Commission in approving Sensitive Coastal Resource (SCR)/Coastal Development Permit (CDP) No. 96-7148 to remove bluff improvements (currently in violation) and to improve the site with a pool and spa, deck, retaining walls, area drains, landscaping, and to provide an emergency access easement, with the additional conditions that staff reassess the need for the dissipater system, and if a hand rail is required that it will be integrated with the design and be visually open. The site is located at 7957 Princess Street in the La Jolla Community Plan area.

(SCR/CDP-96-7148. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal, and to uphold the decision of the Planning Commission, and to grant the permit; and adopt the resolution in subitem B:

Subitem-A: (R-2001-) APPEAL DENIED, UPHOLDING THE PLANNING COMMISSION'S DECISION; GRANTED PERMIT, ADOPTED AS RESOLUTION R-294978

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission, and granting or denying Sensitive Coastal Resource (SCR)/Coastal Development Permit (CDP) No. 96-7148, with appropriate findings to support Council action.

Subitem-B: (R-2001-) ADOPTED AS RESOLUTION R-294979

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration (END) LDR No. 96-7148 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said END has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

OTHER RECOMMENDATIONS:

Planning Commission on February 15, 2001 voted 6 - 0 to approve staff's recommendations with the additional conditions that staff reassess the need for a dissipater system, and if a handrail is required, that it will be integrated with the design and be visually open; was opposition.

Ayes: Anderson, Skorepa, Steele, Brown, Stryker, Garcia
Recused: Butler

The La Jolla Community Planning Group on February 1, 2001, voted 7-0-1 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The Kretowicz Residence Rear Yard Improvements project proposes the removal of all bluff improvements currently in violation (including wood timber stairs, retaining walls, and palm trees). The non-drought tolerant plant material on the bluff will be permitted to remain without irrigation, so that the removal of the landscape will not further impact the bluff. The project also includes a request to construct a pool with spa, concrete deck, barbeque counter, retaining walls, area drains, and landscaping. All such improvements, other than the on-grade concrete deck and landscaping, will be constructed at least 25'-0" from the bluff edge. Portions of the concrete

deck and landscaping will be located within the 25'-0" bluff edge setback, but not closer than 5'-0" from the bluff edge, and is consistent with applicable regulations. The plant materials proposed for the landscaping have been evaluated by staff and represented by the applicant's Registered Landscape Architect to be appropriate for sensitive coastal bluff top placement. No changes would be made to the existing single-family residential structure.

This request was deemed complete prior to January 1, 2000 (the effective date of the Land Development Code), therefore the project is subject to the previously-existing regulations. The project site is located at 7957 Princess Street, within the La Jolla community. The site is within the R1-5000 Zone, the Sensitive Coastal Resource Overlay Zone, the Coastal Zone (appealable), the Beach Impact Area, the First Public Roadway, and the Proposition "D" 30'-0" Height Limit area. The site is currently developed with an existing single-family residence, and is located at the northern terminus of Princess Street. The property is at the nexus of a coastal bluff and coastal canyon. Portions of the 25'-0" and 40'-0" bluff edge setbacks are within the coastal canyon.

The project application was originally submitted in early 1997 in response to a code enforcement complaint filed earlier for constructing improper landscape and hardscape improvements onto the coastal bluff. The applicant submitted for appropriate permits to allow the improvements. During the course of review, the applicant has agreed to remove the illegal improvements and has since redesigned the project to comply with the coastal regulations of the San Diego Municipal Code.

FISCAL IMPACT:

None.

The cost of processing this project is paid for by the applicant.

CODE ENFORCEMENT IMPACT:

The proposed project would abate existing violations consisting of unpermitted landscape and hardscape improvements onto the coastal bluff. No action on this project would result in the continued presence of the violations and the referral of the open Neighborhood Code Compliance Department case to the City Attorney's Office for further action.

HOUSING AFFORDABILITY IMPACT:

None with this action. The proposed project is exempt from Council Policy 600-03.

Loveland/Christiansen/MS

LEGAL DESCRIPTION:

The project site is located at 7957 Princess Street in the La Jolla Community Plan area and is more particularly described as Lots 10 and 11 of Block 3, Amalfi Subdivision, Map No. 959 and a portion of Lot 1285, Pueblo Lands, Miscellaneous Map No. 0036. The project site is within the R1-5,000 Zone (single-family residential) and within the Sensitive Coastal Resource Overlay Zone (Sensitive Coastal Bluffs), the Coastal Zone (City jurisdiction, Coastal Commission Appeal), the Beach Impact Area, the First Public Roadway and the Proposition "D" 30-foot Height Limit Area.

FILE LOCATION: Subitems A & B: PERM-96-7148 (65)

COUNCIL ACTION: (Tape location: G172-H423.)

Hearing began at 4:41 p.m. and halted at 5:39 p.m.

Testimony in opposition by Orrin Gahsch, and Joanne Pearson.

Testimony in favor by Mark Lyon, Matt Peterson, and Ure Kretowicz.

MOTION BY PETERS FOR STAFF TO PROVIDE A REPORT ON THE ABANDONMENT OF POTENTIAL DEDICATED ACCESS OPPORTUNITIES. THERE IS CONCERN THAT PEOPLE HAVE GOTTEN PERMITS ON THE CONDITION THAT THESE ACCESS WAYS BE PROVIDED BUT THAT THERE IS NO FOLLOW-UP ON THOSE PUBLIC ACCESS WAYS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO ADOPT THE CITY MANAGER'S RECOMMENDATIONS TO DENY THE APPEAL AND TO UPHOLD THE DECISION OF THE PLANNING COMMISSION TO GRANT THE PERMIT WITH THE FOLLOWING CONDITIONS AND DIRECTIONS TO THE CITY MANAGER:

1) THAT A CONDITION BE ADDED TO INSTALL A GATE AND, IF FOR ANY REASON THE LATERAL ACCESS IS NOT DEDICATED, THAT WE MAKE SURE IT IS A CONDITION OF THE PROJECT APPROVAL; AND 2) STAFF IS REQUESTED TO COME UP WITH A PLAN TO ENFORCE RESTRICTIONS ON DRAINAGE AND IRRIGATION ON BLUFFS, OPEN FENCING AND VIEW OBSTRUCTION, WHEN THOSE THINGS HAVE BEEN PROHIBITED BY PERMITS, BECAUSE THERE DOES NOT SEEM TO BE FOLLOW-UP. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Street Vacation - La Jolla Scenic Drive.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1432 Cor. Copy) ADOPTED AS RESOLUTION R-294968

Vacating a portion of La Jolla Scenic Drive, as described in the legal description marked Exhibit "A1", and shown on Drawing No. 19376-B marked Exhibit "B";

Reserving a general utility and access easement, as described in the legal description marked Exhibit "A".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of La Jolla Scenic Drive in the La Jolla Community area within Council District 1. The adjacent property owner wishes to landscape and fence the area of the street vacation. The City will reserve a general utility easement in the easterly 6 feet of the southerly 8 feet over the area to be vacated. The La Jolla Community Planning Association recommended approval of the street vacation by a vote of 11-0-0. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated - it is unlikely that a street would be constructed at this location.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation - the adjacent property will improve this area and the land value will lead to higher property tax revenues.
- c) That the vacation is not inconsistent with the general plan, an approved Community Plan, or Local Coastal Program - the street is not a circulation element street.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation - there are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2924 (39)

COUNCIL ACTION: (Tape location: B596-598.)

Hearing began at 11:31 a.m. and halted at 11:33 a.m.

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Three actions related to Basic Concept/Schematic Drawings for the Gaslamp Square Project (Champion Development Group).

(See Memorandum from Centre City Development Corporation dated 5/8/2001.
Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1601) ADOPTED AS RESOLUTION R-294969

Approving a height exception of up to 125 feet for the development of Gaslamp Square.

Subitem-B: (R-2001-1602) ADOPTED AS RESOLUTION R-294970

Approving Gaslamp Quarter Special Permit 98-0354A to permit the development of Gaslamp Square, a mixed-use project with residential, retail/commercial and parking uses on the block bounded by Fourth, Fifth, Island and "J" Streets in the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project. The permit and the Basic Concept/Schematic Drawings is granted to Champion Development Group.

Subitem-C: (R-2001-1603) ADOPTED AS RESOLUTION R-294971

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report (MEIR) and the Final Subsequent Environmental Impact (SEIR) for the Centre City Redevelopment Project and the Secondary Study with respect to Gaslamp Quarter Special Permit 98-0354A (Gaslamp Square) and making certain findings and determinations regarding environmental impacts of the development.

FILE LOCATION: Subitems A, B, & C: MEET

COUNCIL ACTION: (Tape location: B604-C002.)

Hearing began at 11:33 a.m. and halted at 11:34 a.m.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-350: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

South Creek Parcels 35-48 Units 14 and 15
Rhodes Subdivision

AREA

Sabre Springs Community
Carmel Valley Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S500: Three actions related to Owner Participation Agreement with St. Vincent De Paul Management, Inc. - Emporium Apartments.

(See CCDC Report dated 5/10/2001. Centre City Redevelopment Project Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1634) CONTINUED TO TUESDAY, JUNE 12, 2001

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City

Redevelopment Project, and the Secondary Study with respect to the proposed Owner Participation Agreement between the Redevelopment Agency and St. Vincent De Paul Management, Inc.; making certain findings and determinations regarding environmental impacts of the development.

Subitem-B: (R-2001-1633) CONTINUED TO TUESDAY, JUNE 12, 2001

Approving Centre City Development Permit No. 41-0227 for the Emporium Apartments Project with appropriate findings to support Council action.

Subitem-C: (R-2001-1656) CONTINUED TO TUESDAY, JUNE 12, 2001

Approving Variance 41-0227 for the Emporium Apartments Project located in the Centre City Redevelopment Project area.

NOTE: See the Redevelopment Agency Agenda of June 5, 2001 for a companion item.

FILE LOCATION: SUBITEMS A, B & C: NONE

COUNCIL ACTION: (Tape location: G107-119.)

MOTION BY INZUNZA TO CONTINUE THIS ITEM TO TUESDAY, JUNE 12, 2001 TO CERTIFY THE INFORMATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S501: Alpha Project.

(Memorial Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1596) ADOPTED AS RESOLUTION R-294972

Authorizing the City Manager to execute a CDBG Loan Agreement with the Alpha Project for the Homeless for the purchase of a facility to be used for Alpha Project's client housing and project support;

Authorizing the expenditure of an amount not to exceed \$82,500 to fund the loan to Alpha Project from Fund No. 18536, Account No. 4279.

CITY MANAGER SUPPORTING INFORMATION:

The City is making available through a loan of \$82,500 in CDBG Grant funds to the Alpha Project, a non-profit social services provider, to purchase property to provide a facility for client housing and project support services. The purchase price of the property is \$135,000. Alpha Project will provide funds for the balance of the purchase price from other sources. The City's loan will be secured by a Note and Deed of Trust recorded on the property purchased by Alpha Project.

FISCAL IMPACT:

\$82,500 is available in CDBG Fund No. 18536.

Herring/Griffith/RAG

Aud. Cert. 2101177.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A476-B010.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S502: Approving the Final Subdivision Map of Phoenix III.

(Continued from the meeting of 5/29/2001, Item 101, at the request of Councilmembers Atkins and Peters, to allow time for the City Engineer to determine that all conditions of the map have been approved; and to request the developer to meet with Councilmember Atkins to address her concerns about the project.)

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1299) ADOPTED AS RESOLUTION R-294983

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.718 acre site into 1 lot of 0.401 acres for a maximum of 14 units residential condominium development. It is located southeasterly of Howard Avenue and Mississippi Street in the Greater North Park Community Plan area.

On January 20, 2000 the Planning Commission of the City of San Diego approved Tentative Map TM-99-0921 by Planning Commission Resolution No. 2915-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

There are no public improvements required in connection with this final map. The survey monuments are existing, therefore, lot stakes and monuments bond are not required. This project is estimated to generate 84 average daily trips (ADT). 17 of these trips are estimated to occur on the nearby Interstate 805, which has an estimated near term plus project volume of 216,017.

There are no improvements planned by CalTrans on Interstate 805 in the vicinity of this project. Park fees in the amount of \$1,185 have been paid. This project is in Park Service District No. 11.590.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBD-Phoenix III (40)

COUNCIL ACTION: (Tape location: H425-435.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S503: As-Needed Consulting Agreement with Pountney and Associates.

(Continued from the meeting of May 29, 2001, Item 116, at Mayor Murphy's request, to allow all Councilmembers to be present for this item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1324) ADOPTED AS RESOLUTION R-294984

Authorizing the City Manager to execute an agreement with Pountney and Associates, Inc. for as-needed water planning/resources consulting services to the City's Water Department Capital Improvements Program;

Authorizing the Auditor and Comptroller to expend an amount not to exceed \$250,000 from Water Department Fund 41500 for funding the agreement;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is implementing a number of projects as part of its Capital Improvements Program (CIP). The ability to obtain as-needed engineering support services in an expeditious manner is an essential element of project implementation. The Water Department has identified a need for several as-needed consultants to assist the Water Planning and Water Research sections with various support tasks including, but not limited to, the review and preparation of pre-design and 10% design reports, 100% design, as-needed field inspection/monitoring work, hydraulic modeling, data gathering, long range planning, and risk analysis. To select the as-needed consultants, the City As-Needed Consultant Selection Process was used to obtain a short list of six qualified candidates. On January 18, 2001, a Selection Panel convened and interviewed the six consulting firms. Firms were evaluated on a weighted basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Pountney and Associates was one of two firms selected as the most qualified to provide as-needed engineering consulting services. Task orders will be negotiated and issued as appropriate projects are identified by the Water Department. The Project Manager will issue a written task order which shall describe the specific scope, schedule and compensation for the task. Each task order shall be subject to the terms, conditions and fee schedule included in this Agreement. All task orders shall be approved and signed by the Deputy Director before the Consultant may proceed with the task.

FISCAL IMPACT:

Funding is available from the Water Department Fund 41500 in the amount of \$250,000.

Loveland/Gardner/MS

Aud. Cert. 2101167.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H436-445.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District
6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S504: Two actions related to Approving the Plans and Specifications and Inviting Bids
for the Construction of Water and Sewer Group 539.

(Centre City and Barrio Logan Community Areas. Districts-2 and 8.)

(Continued from the meeting of May 29, 2001, Item 202, at the request of
Councilmember Wear, to have an opportunity to discuss at the Natural Resources
and Culture Committee.

(See memorandum from Frank Belock, Jr. dated 5/24/2001 and Frequently Asked
Questions About Group Jobs.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1402) ADOPTED AS RESOLUTION R-294985

Approving the plans and specifications for the furnishing of all labor, material,
tools, equipment, transportation and other expense necessary or incidental and
inviting bids for the Construction of Water and Sewer Group 539 on Work Order
No. 175451;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$2,229,718 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$3,046,547 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces in the amount of \$638,309 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for additional construction services related to the project. (BID-K01067C)

Subitem-B: (R-2001-1403) ADOPTED AS RESOLUTION R-294986

Certifying that the information contained in the final EIR SCH No. 98121003, including any comments received during the public review process, has been reviewed and considered by the Council;

Directing the City Clerk to file the Notice of Determination with the Recorder of the County Clerk.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve the Group Jobs. (Councilmembers Peters, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 539 is part of the City of San Diego's continuing Annual Water and Sewer Main Replacement Program. The work consists of replacing approximately 12,200 feet (2.31 miles) of water main and 9,700 feet (1.84 miles) of sewer main. Also, this project includes the construction of thirty-one (31) pedestrian ramps and the slurry sealing or resurfacing of the impacted streets. This project lies in the Centre City and Barrio Logan Community Planning

area within the area bounded by Third Avenue and 17th Street on the east and west and bounded by Market Street and National Avenue on the north and south. This project has been coordinated with MTS, CCDC, and Paradise in Progress to minimize traffic impacts on Market Street. There is a Holiday Construction Moratorium on Market Street from Thanksgiving day to New Year's day in which no construction will be allowed. Residents will be notified by mail at least one month before construction begins by the Water Department and again ten days before construction begins by the contractor through hand distribution. The existing sewer and water mains were installed as early as 1917 and are now undersized and have experienced many breaks and stoppages. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable water and sewer infrastructure well into the next century.

FISCAL IMPACT:

The total estimated cost of this project is \$5,276,265 of which \$3,046,547 is available in FY2001 and FY2002 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$2,229,718 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. Included in the above project cost estimate is \$638,309 for City forces work. A reduction in annual maintenance costs is anticipated. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-515.

FILE LOCATION: SUBITEMS A & B: W.O. 175451

COUNCIL ACTION: (Tape location: H446-555.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S505: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer Group 619.

(Uptown Community Area. District-2.)

(Continued from the meeting of May 29, 2001, Item 203, at the request of Councilmember Wear, for an opportunity to discuss it at the Natural Resources and Culture Committee.)

(See memorandum from Frank Belock, Jr. dated 5/24/2001; Frequently Asked Questions about Group Jobs.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2001-825) ADOPTED AS RESOLUTION R-294987

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group 619 on Work Order No. 172531;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer \$1,897,718 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$2,340,500 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01064C)

Subitem-B: (R-2001-1384) ADOPTED AS RESOLUTION R-294988

Certifying that the information contained in Mitigated Negative Declaration LDR-99-0303, has been completed in compliance with the California

Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve the Group Jobs. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 619 is part of the program established by the City of San Diego mandating the replacement of all concrete sewer mains currently in service. The existing mains were constructed as early as 1920 and are approaching the end of their useful life. Replacement of these deteriorated and undersized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Uptown community area and involves the replacement and rehabilitation of approximately 9,800 linear feet of sewer. Some of the work involves abandoning existing sewer mains within City easements and relocating to more accessible street locations. This also requires the need to re-plumb approximately twenty-five (25) sewer laterals within private property and reconnect to the new sewer main. The limits of the work affected by the construction operations are shown on the location map. Traffic Control Plans will be provided by the contractor as shop drawings. Residents will be notified by the contractor ten (10) days prior to start of construction.

FISCAL IMPACT:

The total estimated cost of this project is \$2,340,500. Funding is available from Sewer Fund 41506, Annual Allocation - Sewer Main Replacement, CIP-44-001.0, for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2001015.

WWF-00-451.

FILE LOCATION: SUBITEMS A & B: W.O. 172531

COUNCIL ACTION: (Tape location: H556-559.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, District
6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:58 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I074)